

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

CHARLOTTE MCCAIN,	:	Case No. 1:22-cv-43
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
LTD FINANCIAL SERVICES, L.P.,	:	
	:	
Defendant.	:	

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**ORDER OF DISMISSAL**

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Before the Court is Plaintiff’s motion to dismiss with prejudice (Doc. 15), pursuant to Federal Rule of Civil Procedure 41(a). Defendant does not oppose that relief but has filed a response stating that Defendant reserves its right to file a motion under Federal Rule of Civil Procedure 54 (“Rule 54 motion”)—ostensibly for costs and/or attorney’s fees.

The Court will grant the motion, dismiss the case with prejudice and expressly permit Defendant to file a Rule 54 motion. For the moment, the Court takes no position on the merits of any Rule 54 motion. The Court will only note that “attorney fees and expenses are generally not awarded where plaintiffs move to voluntarily dismiss with prejudice.” *See Lum v. Mercedes Benz, USA, L.L.C.*, 246 F.R.D. 544, 546 (N.D. Ohio 2007). Accordingly, it is hereby ordered that:

1. Plaintiff’s motion is **GRANTED**. (Doc. 15). The case is **DISMISSED with prejudice**, and shall be **TERMINATED** on the docket of this Court; and

2. This Order shall not preclude Defendant from filing a Rule 54 motion.

**IT IS SO ORDERED.**

Date: 4/13/2022

*s/Timothy S. Black*  
Timothy S. Black  
United States District Judge